

ECF [3]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x  
GEORGE F. WALKER, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC., EDWARD H.  
BRAUN, and JOHN F. REIN, JR.,

Defendants.  
----- x

No. 05-CV-01003

Judge Joanna Seybert

**STIPULATION AND  
~~PROPOSED~~ ORDER**

WHEREAS, Plaintiff filed his Original Class Action Complaint alleging that Defendants committed violations of the Securities Exchange Act of 1934;

WHEREAS, other similar putative class actions alleging violations of the Securities Exchange Act of 1934 were filed against Defendants as follows:

1. *L.I.S.T., Inc. v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-02189 (filed Feb. 15, 2005)
2. *McIntosh v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-00889 (filed Feb. 16, 2005)
3. *Kantor v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-00967 (filed Feb. 18, 2005)
4. *Linzer v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-00957 (filed Feb. 18, 2005)
5. *Collins v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01277 (filed Mar. 9, 2005)
6. *Holthuizen v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01337 (filed Mar. 11, 2005)
7. *Kershaw v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-02929 (filed Mar. 16, 2005)

8. *Vogt v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01430 (filed Mar. 18, 2005);

WHEREAS, the *L.I.S.T., Inc.* and *Kershaw* actions were filed in the United States District Court for the Southern District of New York, and the remaining actions listed above were filed in the United States District Court for the Eastern District of New York;

WHEREAS, Plaintiff and Defendants expect that motions to consolidate these actions shall be filed, that motions for appointment of lead plaintiff and to approve selection of counsel to represent the putative class shall be filed, and that, thereafter, a consolidated amended complaint shall be filed; and

WHEREAS, in the interests of judicial economy and efficiency, Plaintiff and Defendants wish to extend Defendants' original deadline to answer, move, or otherwise respond to the complaint in this action until after a consolidated amended complaint is filed.

THEREFORE, Plaintiff and Defendants hereby agree and stipulate to the following:

1. Defendants shall have no obligation to move, answer, or otherwise respond to Plaintiff's Original Class Action Complaint.
2. Defendants shall be deemed to have accepted service of Plaintiff's Original Class Action Complaint.
3. Plaintiff shall have sixty (60) days from the date of appointment of lead plaintiff and lead counsel to file a consolidated amended complaint.
4. The date by which Defendants must move, answer, or otherwise respond to Plaintiff's amended consolidated complaint shall be extended until and through forty-five (45) days after the date on which such amended consolidated complaint is filed with the Court.
5. If Defendants move to dismiss the amended consolidated complaint, Plaintiff shall have forty-five (45) days from the date of such motion to respond. Defendants shall have thirty (30) days from the date of Plaintiff's response to reply.

Dated: New York, New York  
April 1, 2005

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*Counsel for Defendants*

**SO ORDERED:**

151 JOANNA SEYBERT

The Honorable Joanna Seybert  
United States District Court Judge

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April 2, 2005  
Central Islip, NY